

Application No. 09/887,609  
Amendment "A" dated April 20, 2004  
Reply to Office Action mailed February 5, 2004

### REMARKS

The first Office Action mailed February 5, 2004, considered claims 1-32. Claims 1-6, 23, 27, 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. Patent No. 6,615,248) in view of Moreland (U.S. Patent No. 6,111,576). Claims 7-11, 13-16, 18-20, 22, 24, 25 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and Moreland in view of Alten (U.S. Patent No. 6,661,468). Claims 12, 17 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith, Moreland and Alten in view of Chor (U.S. Patent No. 6,141,003). Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith, Moreland and Alten in view of Stautner (U.S. Patent No. 6,172,677). Claims 30 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and Moreland in view of Chor<sup>1</sup>.

The specification was also objected to for certain informalities which have been corrected by this paper. In particular, the paragraph beginning on line 18 of page 12 has been amended to delete the duplicative reference to a high definition television display.

Claims 1, 18, 23 and 27, which are the only independent claims at issue have also been amended to more clearly claim the menu system and corresponding methods of the invention. In particular, the claims have been amended to more clearly recite how the invention includes automatically displaying the categories of a menu at a selected display position, upon being selected by a user, and in such a way as to replace another menu category that was previously displayed in the selected display position.

This functionality, which is referred to in the specification as ratcheting, can be useful for minimizing the amount of programming that is blocked on the display screen by the menu system. In particular, when a user selects a new category, the newly selected category replaces the previous category that was being displayed in the particular display position, such that the newly selected category can be expanded into subcategories (claims 7-22 and 31), from a single display position, and rather than having each category be displayed and expanded from different positions on the display.

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

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The office action cited Moreland, for the proposition, that it a menu bar can be ratcheted. Ratcheting, as described in Moreland, however, is restricted to positioning an attachment menu around another object having its own menu. For example, as shown in Figure 4, the attachment menu bar can be attached to the user created object and moved around the perimeter of the user created object to a desired location. This is useful for enabling a user to customize the visual appearance of the user-created object in conjunction with the attachment menu bar, and thereby enabling it to appear that the attachment bar and the object are part of a single application. (Col. 3, ll. 12-16, 39-43). Moreland also describes that the attachment bar can track the movements of the user-created object, thereby further enhancing the objects of the invention. (Col. 3, ll. 28-29, 52-60).

Moreland does not, however, describe or suggest any system or method in which the categories of a menu are automatically displayed in a selected display position, upon being selected by a user, and thereby replacing another category that was previously displayed within the selected position, as claimed.

Furthermore, with regard to the primary reference Smith, there is no teaching or motivation for incorporating the type of ratcheting suggested by Moreland, let alone the type of ratcheting claimed in the present invention.

Smith discloses how a single interface can be used for searching, accessing and displaying data from various content sources. (Col. 2, ln. 66 thru Col. 3, ln. 1). The Smith interface includes five basic display areas, including a page index area 450 that displays links to various guides and engines. (Col. 7, ll. 46-67). As further described, and as shown in Figure 5, if there are too many links, then a "scroll bar 460 is generated allowing the user to easily move through the list of indexed pages." (Fig. 5; Col. 8, ll. 31-34).

Accordingly, inasmuch as Smith discloses a method for enabling a user to easily navigate through the links (e.g., a scroll bar), there would be no motivation to provide ratcheting for the links within the index area in the manner suggested by Moreland, by moving them around the perimeter of a user-created object. There is also no motivation to ratchet the links, as described in the present application, by displaying selected links/categories within a particular fixed display position, and thereby replacing other links/categories within the selected display position upon being selected, because the Smith scroll bar already enables a user to easily navigate through the links.

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The remaining art of record, Alten, Stautner and Chor, also fail to describe or suggest any method or system for modifying the display of a menu, as claimed, even when considered in combination with the other art of record.<sup>2</sup> In particular, none of the art of record, either singly or in combination, suggests or provides motivation for automatically displaying/ratcheting categories of a menu in a particular display position, in response to being selected by a user, and thereby replacing the categories previously displayed within the selected display position, as claimed.

For at least these reasons, Applicants respectfully submit that the pending claims 1-32 are neither anticipated by nor made obvious over the art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20 day of April 2004.

Respectfully submitted,



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<sup>2</sup> Alten was cited for the proposition that a menu category can include subcategories that can also be scrolled. With regard to claim 13, the Examiner also suggests that Alten teaches that subcategories from one category can be replaced with subcategories from another category. Applicants respectfully submit, however, that claims implicitly required, and now explicitly recite, that the displayed subcategories are replaced within the same display position, something that is neither disclosed nor suggested by Alten. Chor was cited for the proposition that a menu can be displayed in the foreground while media is displayed in the background. Stautner was cited for the proposition that an electronic communication can occur while programming is being displayed.